

#510.
BILL NO. G-92-04-12

GENERAL ORDINANCE NO. G- Leah

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the
City of Fort Wayne (as more specifically described below) was
duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-4-
12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
public alley within the City of Fort Wayne, more specifically
described as follows, to-wit:

150 feet of a 12 foot alley between the west half of Lot
62, all of Lot 63 and all of Lots 64, 65 and 66 in Lewis
Addition.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.

Charles K. Shuman
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

#510

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** Public hearing to be held on _____,
the _____ day of _____, 1992,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Edmonds,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on Regulations (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City County
Building, Fort Wayne, Indiana, on _____, the _____, day
of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 4-14-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
seconded by _____, and duly adopted, placed on its passage.
~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		<u>9</u>		
BRADBURY		<u>✓</u>		
EDMONDS		<u>✓</u>		
GiaQUINTA		<u>✓</u>		
HENRY		<u>✓</u>		
LONG		<u>✓</u>		
LUNSEY		<u>✓</u>		
RAVINE		<u>✓</u>		
SCHMIDT		<u>✓</u>		
TALARICO		<u>✓</u>		

DATED: 3-9-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Richard E. Helmke
RICHARD E. HELMKE, Mayor

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,

19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 10899

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

3/19 1992

RECEIVED FROM

Wm Brown

\$

100.00

THE SUM OF

One hundred + 00/100

DOLLARS

ON ACCOUNT OF

465

Alley vacation

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

[Signature]

Date Filed: 03/18/92

Vacation Petition

I/We William E. Brown
(Applicant's Name or Names)

PETITION TO VACATE Alley
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following Alley with the City of Fort
Wayne, Indiana, and hereby described as follows:

150' of 12' alley between the west 1/2 of lot 62, all of
lot 63 and all of lots 64, 65, and 66 in Lewis Addition.
Behind commonly known 1301-1319 S. Lafayette Street.

* see survey attached
(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

- 1) We are the only owners of real estate bordering both sides
of the alley.
- 2) The alley is not necessary as ingress or egress to other properties.
- 4) No person, firm, or corp. is interested or affected by the vacation.
(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
Alley be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 18th DAY OF March 19 92

William E. Brown
Adjacent Property Owner
Typed Name

2001 Kensington Blvd. 46805
Address Zip

Wm E Brown
Signature

Rita May
Adjacent Property Owner
Typed Name

4108 Cadena Lane 46815
Address Zip

See attached fax
Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

5) Business Expansion

6) Mortgage Requirement

Owners of Adjacent Property:

Adjacent Owners TYPED Name	Property	Address/Zip	Signature
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
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NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Wm. Brown
Name

2001 Kensington Blvd.
Street Address

Fort Wayne, In 46805
City/State/Zip

Home 219 422 0971
Phone

Work 219 422 3232

RESOLUTION OF VACATION ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on April 14, 1992 referred a proposed alley vacation ordinance to the City Plan Commission which proposed ordinance was designated as Bill No. G-92-04-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

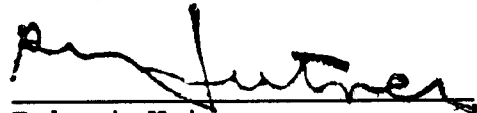
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation, due to the fact that the conditions placed on the request were not satisfied within the six (6) months allotted.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1993.

Certified and signed this
2nd day of February 1993.


Robert Hutner
Secretary

Date Filed: 03/18/92

Vacation Petition

I/We William E. Brown
(Applicant's Name or Names)

PETITION TO VACATE Alley
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following Alley with the City of Fort
Wayne, Indiana, and hereby described as follows:

150' of 12' alley between the west 1/2 of lot 62, all of
lot 63 and all of lots 64, 65, and 66 in Lewis Addition.
behind commonly known 1301-1319 S. Lafayette Street.

see survey attached
(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

We are the only owners of real estate bordering both sides
of the alley.

The alley is not necessary as ingress or egress to other proper

The alley is unopened and unimproved.

No person, firm, or corp. is interested or affected by the vacat
(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
Alley be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 18th DAY OF March 1992

William E. Brown
Adjacent Property Owner
Typed Name

Rita May
Adjacent Property Owner
Typed Name

2001 Kensington Blvd. 46805
Address Zip

4108 Cadena Lane 46815
Address Zip

W E Brown
Signature

Rita May
Signature 46815

From the Desk of:
Pat Biancaniello

Agent:

William Brown
2001 Kensington Bl
City 05



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 17, 1993

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of
February 20, 1993, in both the News Sentinel and Journal
Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-92-08-10
Vacating a street and alley

Bill No. G-92-04-12
Vacating an alley

Bill No. G-92-04-13
Vacating an alley

Bill No. G-92-05-05
Vacating an alley

Bill No. G-93-01-20
Vacating an alley

Please send us 3 copies of the Publisher's Affidavit from the
above from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 5



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 17, 1993

William Brown
2001 Kensington Blvd
Fort Wayne, IN 46805

NOTICE OF PUBLIC HEARING ON BILL NO. G-02-04-12

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, March 9, 1993, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

150 feet of a 12 foot alley between the west half of Lot 62, all of Lot 63 and all of Lots 64, 65 and 66 Lewis Addition - Councilmanic District #1

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-92-04-12)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 9, 1993, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

150 feet of a 12 foot alley between the west half of Lot 62, all of Lot 63 and all of Lots 64, 65 and 66 in Lewis Addition - Councilmanic District #1

All interested parties are invited to appear and be heard.

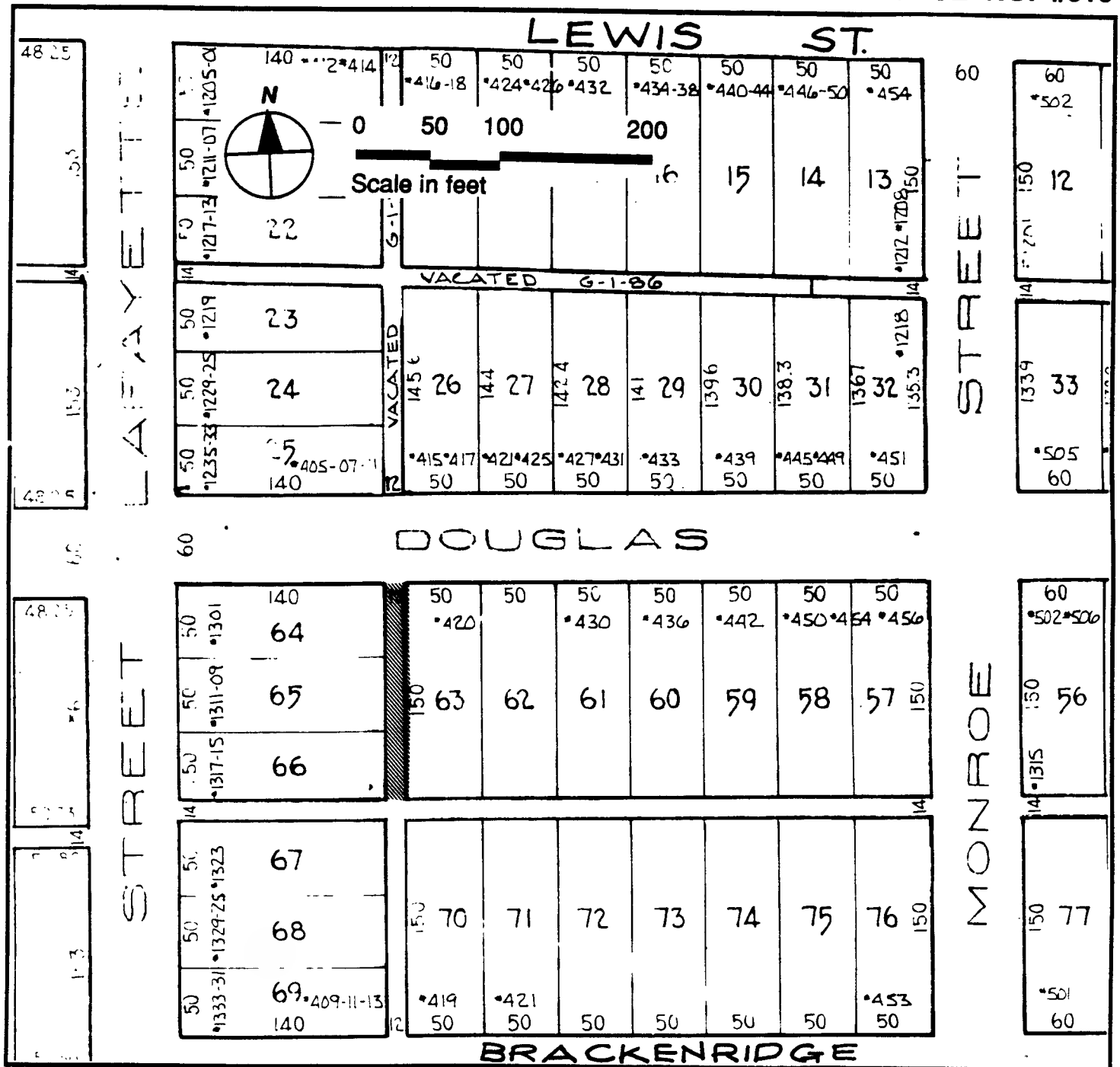
FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

VACATION PETITION

AREA MAP

CASE NO. #510



COUNCILMANIC DISTRICT NO. 1

Map No. N-2
LW 3-27-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

FACT SHEET

G-92-04-12

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Alley Vacation Ordinance

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

N/S alley located behind 1301-1319 Lafayette Street which runs south from Douglas to the first intersecting alley.

Reason for Project

Expansion of adjacent business.

Discussion (Including relationship to other Council actions)**STATUS:**

This petition was heard at a public hearing on April 20, 1992. It was granted a "Conditional Approval on April 27, 1992 at the Business Meeting of the Plan Commission.

Staff sent a letter indicating the conditions that needed to be met on May 7, 1992. Our records indicate that the conditions have not been satisfied.

On January 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by January 15, 1993, would cause the petition to be returned to the Plan Commission for consideration of a do not pass recommendation.

1 February 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation for the following reason:

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

William Brown

City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☐ For ☒ Against

Reason Against

**Board or
Commission
Recommendation****By**☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**(For Council
use only)☐ Pass ☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

NOTE:

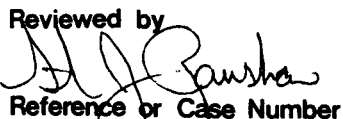
Plan Commission By-Laws Article VI,
Section 5 - Conditional Approvals

All ordinances given a "DO PASS" recommendation by the City Plan Commission, upon conditions to be met by the petitioners, or others seeking passage of the ordinance, shall be held by the City Plan Commission staff for a period of not more than six (6) months to allow the petitioner(s) or other(s) to satisfy the condition(s). If not satisfied within six (6) months from the date of the Plan Commission's decision to recommend DO PASS with condition(s), the City Plan Commission staff shall return the ordinance to the City Plan Commission for its reconsideration and recommendation of "DO NOT PASS" to the City Council, if the Plan Commission determines at that time that such recommendation is proper under the circumstances existing at that time.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start**Date** 19 March 1992**Projected Completion or Occupancy****Date** 2 February 1993**Fact Sheet Prepared by**
Patricia Biancaniello**Date** 2 February 1993**Reviewed by**

Reference or Case Number**Date**
2 FEBRUARY 1993

#510

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A 12 foot wide North/South alley
running between Lots 63, 64, 65 & 66 in Lewis Addition.

9-92-04-121

EFFECT OF PASSAGE Property is currently a dedicated right-of-
way. Property will be vacated and revert to the ownership of the
adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated right-
of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. G-92-04-12

REPORT OF THE COMMITTEE ON
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating
an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND, BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

David C. Long

Rebecca J. Ravine
Phillip Lunsey
John Schmidt

DATED: 2-9-93

Sandra E. Kennedy
City Clerk

FW Common Council
(Governmental Unit)

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

19 lines, 1 columns wide equals 19 equivalent lines
at .33 cents per line

\$ 6.27

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 6.27

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Feb 20, 19 93

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

2/20/93

Subscribed and sworn to before me this 20th day of Feb 19 93

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-92-04-12)
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All interested parties are invited to appear and be heard.
FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk
#115
2-20

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Shelley R. Larue
Notary Public - Whitley County, IN
SHELLEY R. LARUE

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